

Federal Communications Commission

FCC MAIL ROOM  
DA 01-2236

Before the  
Federal Communications Commission  
Washington, D.C. 20554

2001 OCT -1 P 4: 27

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
Table of Allotments,	)	
FM Broadcast Stations.	)	
	)	
(Atoka, Oklahoma)	)	MM Docket No. 01-254
	)	RM-10264
	)	
(Wright City, Oklahoma)	)	MM Docket No. 01-255
	)	RM-10265
	)	
(Benavides, Texas)	)	MM Docket No. 01-256 ✓
	)	RM-10266
	)	
(Bad Axe, Michigan)	)	MM Docket No. 01-257
	)	RM-10267
	)	
(Bearden, Arkansas)	)	MM Docket No. 01-258
	)	RM-10268
	)	
(Grandin, Missouri)	)	MM Docket No. 01-259
	)	RM-10269
	)	
(Pawhuska, Oklahoma)	)	MM Docket No. 01-260
	)	RM-10270
	)	
(Early, Texas)	)	MM Docket No. 01-261
	)	RM-10271

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**NOTICE OF PROPOSED RULE MAKING****Adopted: September 19, 2001****Released: September 28, 2001****Comment Date: November 19, 2001****Reply Date: December 4, 2001**

By the Chief, Allocations Branch

1. Before the Allocations Branch for consideration is a multiple docket Notice of Proposed Rule Making setting forth separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Rules. Each petitioner has stated that it will apply for its requested channel, if allotted. We believe that each proposal warrants consideration because it complies with our

technical requirements and would serve the public interest.

2. This is a multiple docket Notice of Proposed Rule making issued in response to a Commission Public Notice released October 2, 1998 (DA 98-1987). We are combining separate FM allotment proposals into a single Notice of Proposed Rule Making. Each proposal has its own docket and rule making number and the Commission's Reference Center will maintain a separate file for each docket. As discussed in the Public Notice, this procedure will conserve Commission resources and expedite the processing of FM allotment petitions for rule making by avoiding duplicative actions. We request comments and/or counterproposals to the following proposals:

**(1) MM Docket No. 01-254; RM-10264**

**Petitioner:** Maurice Salsa  
5615 Evergreen Valley Drive  
Kingwood, TX 77345

**Proposal:** Allot Channel 290A to Atoka, Oklahoma, as that community's second local FM transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Atoka, Oklahoma	271A	271A, 290A

**Coordinates:** 34-22-25 NL; 96-06-57 WL

**Additional Information:** The allotment proposal requires a site restriction 1.8 km southeast of the community.

**FCC Contact:** Nancy Joyner, (202) 418-2180

**(2) MM Docket No. 01-255; RM-10265**

**Petitioner:** Maurice Salsa  
5615 Evergreen Valley Drive  
Kingwood, TX 77345

**Proposal:** Allot Channel 226A to Wright City, Oklahoma, as that community's first local aural transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Wright City, Oklahoma	--	226A

**Coordinates:** 34-05-58 NL; 94-58-34 WL

**Additional Information:** The allotment proposal requires a site restriction 5.0 kilometers northeast of the community.

**FCC Contact:** Nancy Joyner, (202) 418-2180

**(3) MM Docket No. 01-256; RM-10266**

**Petitioner:** Jeraldine Anderson  
1702 Cypress Drive  
Irving, Texas 75061

**Proposal:** Allot Channel 282A to Benavides, Texas, as that community's second local FM transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Benavides, Texas	299C2	282A, 299C2

**Coordinates:** 27-32-59 NL; 98-25-11 WL

**Additional Information:** The allotment proposal requires a site restriction 5.3 kilometers south of the community. Additionally, as Benavides is located within 320 kilometers of the U.S.-Mexico border, concurrence to this proposal by the Mexican government is required.

**FCC Contact:** Nancy Joyner, (202) 418-2180

**(4) MM Docket No. 01-257; RM-10267**

**Petitioner:** Charles Crawford  
4553 Bordeaux Ave.  
Dallas, Texas 75205

**Proposal:** Allot Channel 231A to Bad Axe, Michigan, as that community's second local FM transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Bad Axe, Michigan	271C2	231A, 271C2

**Coordinates:** 43-48-12 NL; 83-00-00 WL

**Additional Information:** The allotment proposal does not require a site restriction. However, as Bad Axe is located within 320 kilometers of the U.S.-Canada border, concurrence to this proposal by the Canadian government is required.

**FCC Contact:** Nancy Joyner, (202) 418-2180

**(5) MM Docket No. 01-258; RM-10268**

**Petitioner:** Charles Crawford  
4553 Bordeaux Ave.  
Dallas, Texas 75205

**Proposal:** Allot Channel 224A to Bearden, Arkansas, as that community's first local aural transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Bearden, Arkansas	--	224A

**Coordinates:** 33-43-24 NL; 92-36-54 WL

**Additional Information:** The allotment proposal does not require a site restriction.

**FCC Contact:** Nancy Joyner, (202) 418-2180

**(6) MM Docket No. 01-259; RM-10269**

**Petitioner:** Charles Crawford  
4553 Bordeaux Ave.  
Dallas, Texas 75205

**Proposal:** Allot Channel 283A to Grandin, Missouri, as that community's first local aural transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Grandin, Missouri	--	283A

**Coordinates:** 36-49-45 NL; 90-49-22 WL

**Additional Information:** The allotment proposal does not require a site restriction.

**FCC Contact:** Nancy Joyner, (202) 418-2180

**(7) MM Docket No. 01-260; RM-10270**

**Petitioner:** Maurice Salsa  
5615 Evergreen Valley Drive  
Kingwood, TX 77345

**Proposal:** Allot Channel 233A to Pawhuska, Oklahoma, as that community's second local FM transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Pawhuska, Oklahoma	280A	233A, 280A

**Coordinates:** 36-46-16 NL; 96-21-39 WL

**Additional Information:** The allotment proposal requires a site restriction 11.7 kilometers north of the community.

**FCC Contact:** Nancy Joyner, (202) 418-2180

**(8) MM Docket No. 01-261; RM-10271**

**Petitioner:** Jeraldine Anderson  
1702 Cypress Drive  
Irving, Texas 75061

**Proposal:** Allot Channel 294A to Early, Texas, as that community's first local aural transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Early, Texas	--	294A

**Coordinates:** 31-44-31 NL; 98-56-43 WL

**Additional Information:** The allotment proposal does not require a site restriction

**FCC Contact:** Nancy Joyner, (202) 418-2180

3. Comments, reply comments, counterproposals and other pleadings filed in response to this multiple docket Notice of Proposed Rule Making should reference only the specific docket to which the filing pertains. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of

continuing interest is required in paragraph 2 of the Appendix before a channel will be allotted.

4. Interested parties may file comments on or before November 19, 2001, and reply comments on or before December 4, 2001, and are advised to read the Appendix for the proper procedure. Additionally, a copy of any filing should be served on the petitioner listed for the particular docket.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b) and 73.606(b) of the Commission's Rules, 46 FR 11549, February 9, 1981.

6. For further information concerning a proceeding listed above, contact the FCC contact listed for that proceeding. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in this proceeding.

#### FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

## APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204.(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Allotments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off Procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.)

Comments should be filed with the Secretary, Federal Communications Commission, Washington, 445 Twelfth Street, SW.; TW-A325, Washington, D. C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Information Center (Room CY-A257) at its headquarters, 445 Twelfth Street, SW., Washington, D. C.